

**PATENT**

Atty Docket No.: 200208333-1  
App. Ser. No.: 10/632,403

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks. Claims 1-15 are pending in the present application of which claims 1, 12 and 14 are independent.

Claims 1-8 and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Krzyzanowski et al. (hereinafter Krzyzanowski, US 6,792,323 B2) in view of Lunsford et al. (hereinafter Lunsford, US 6,982,962 B1).

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Krzyzanowski et al. (hereinafter Krzyzanowski, US 6,792,323 B2) in view of Ferlitsch et al. (hereinafter Ferlitsch).

Claim 11 was objected as including allowable subject matter but being dependent on a rejected base claim.

**Drawings**

The indication that the Drawings submitted on July 31, 2003 have been accepted is noted with appreciation.

**Claim Objection**

Claims 2, 3, 9 and 11 were objected to for informalities. The claims were amended to overcome the rejection.

Claim 11 was also objected to because there is no DS<sub>i</sub> definition. Claim 11 as originally filed is part of the specification, and claim 11 defines DS<sub>i</sub>.

**Claim Rejections Under 35 U.S.C. §103(a)**

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S.\_, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or

to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S.\_, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

**Claims 1-8 and 12-15**

Claims 1-8 and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Krzyzanowski in view of Lunsford.

Claim 1 recites,

processing with said coordinating device a service description information for each of a plurality electronic devices available ad-hoc to identify functionally responsive combinations of electronic devices capable of servicing said user request;

calculating a score for each such functionally responsive combination, said calculating using user preference information;

configuring said available electronic devices into an ad-hoc combination according to said scores.

Krzyzanowski fails to teach or suggest determining multiple combinations of electronic devices capable of servicing said user request. The rejection asserts step 1009 of Krzyzanowski discloses this feature. Step 1009 is part of the flowchart 1000 described in columns 25 and 26 of Krzyzanowski. The flowchart 1000 describes executing a control

macro created using the flowchart 900. The control macro is a set of commands for controlling system components specifically identified by commands in the macro. When the macro is executed, system components, such as a television, media player and lighting, are activated in accordance with the macro commands. These specific system components identified by the macro are only a single combination of system components. Thus, Krzyzanowski fails to teach or suggest determining multiple combinations of electronic devices capable of servicing said user request.

Lunsford was cited to teach the claimed score. Lunsford discloses determining a score for different access networks that may be available for a portable device. However, Lunsford fails to teach determining multiple combinations of electronic devices capable of servicing said user request.

Furthermore, there is no need to use the score of Lunsford to score the single combination of Krzyzanowski to configure available electronic devices. The scoring of Lunsford is used to select an access network among a plurality of access networks. Since there is only a single combination determined in Krzyzanowski, there is no need for scoring to select the combination from multiple combinations. Accordingly, it would not have been obvious to one of ordinary skill in the art to combine the scoring of Lunsford with the single combination of Krzyzanowski.

Independent claims 12 and 14 also recite, “identify functionally responsive combinations of electronic devices.” Krzyzanowski in view of Lunsford fails to teach or suggest this feature for the reasons stated above.

For at least these reasons, claims 1-8 and 12-15 are believed to be allowable.

**Claims 9 and 10**

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Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Krzyzanowski in view of Ferlitsch. Ferlitsch describes determining the status of printer, and was cited as allegedly disclosing the claimed parameter indicative of availability of a device. Ferlitsch does not cure the deficiencies of Krzyzanowski in view of Lunsford. In particular, Ferlitsch fails to teach or suggest determining multiple combinations of devices capable of servicing a user request.

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**Conclusion**

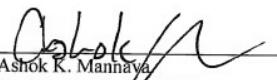
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: March 13, 2009

By

  
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